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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Jeremia Gillo, an individual,

Plaintiff,

v.

The Honorable Pete Buttigieg, Secretary  
of Transportation,

Defendant.

Case No. 2:22-cv-00857-CDS-NJK

**Stipulated Discovery Plan and  
Scheduling Order**

**(Special Scheduling Review Requested)**

Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1, Plaintiff and Defendant submit their stipulated discovery plan and scheduling order in this case of alleged employment discrimination and retaliation. For the reasons stated in the next paragraph, the parties request two changes from the standard discovery schedule set forth in the LR 26-1: that (1) the 180-day discovery period commence from the January 6, 2023, filing of this plan rather than Federal Defendant's first appearance; and (2) dispositive motions would be due 60 days, rather than 30 days, after discovery cut off.

The parties respectfully request that the 180-day discovery period commence from the January 6, 2023, filing of this plan. After Federal Defendant's first appearance on November 23, 2022, via its Answer to the original Complaint, Plaintiff filed an Amended Complaint, adding a cause of action for retaliation related to three positions for which Plaintiff was not the selectee. This required Federal Defendant to answer the Amended Complaint. Then, to make some corrections, Federal Defendant recently filed, on January 4, 2023, an Amended

Answer to the Amended Complaint. The filings of these amended pleadings took place generally during the holiday season. The parties are preparing their initial disclosures and preparing for the February 21, 2023, Early Neutral Evaluation (“ENE”), for which Plaintiff’s lead counsel, Dr. Sulton, will likely travel to attend in person. Under the circumstances, the parties respectfully request that the discovery period commence from the January 6, 2023, filing of this discovery plan rather than the November 23, 2022, first appearance of Federal Defendant. The parties also request 60 days from discovery cut off to file dispositive motions because counsel anticipate being away from their offices during portions of the summer holidays. Accordingly, the parties propose the following schedule for discovery and related events:

Amendment of Pleadings	April 6, 2023
Initial Expert Disclosures	May 8, 2023
Rebuttal Expert Disclosures	June 7, 2023
Discovery Cut Off	July 7, 2023
Dispositive Motions	September 5, 2023
Joint Pretrial Order	October 5, 2023 <sup>1</sup>

The parties anticipate their initial, supplemental, and responsive production of materials will be in .pdf and/or paper formats. Such production may be served by electronic means. Plaintiff understands Defendant’s productions of electronic files including .pdfs must typically be made via encrypted means, e.g., an encrypted disc, with password provided separately, or use of the United States’ cloud-based file exchange portal, “USAfx.” Should any technical difficulties arise with these encrypted means, counsel will make good faith efforts to meet, confer, and resolve the difficulties.

Similarly, the parties anticipate they will be able to provide trial exhibits in .pdf formats for display during trial, as well as for jury deliberations. Paper copies of trial exhibits

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<sup>1</sup> However, if dispositive motions are filed, the proposed joint pretrial order will be due thirty days after the rulings on such dispositive motions.

1 can also be provided to the extent requested or directed by the Court. Counsel will further  
2 discuss and address electronic exhibits for trial and jury deliberation in connection with the  
3 joint pretrial order, pretrial conference, and/or calendar call, as applicable and appropriate.

4 The parties have considered resolution and alternative dispute resolution means, and  
5 the parties may revisit these as the case proceeds.

6 The parties have considered trial by a magistrate judge and the short trial program, and  
7 the parties may revisit these as the case proceeds.

8 Respectfully submitted this 6th day of January 2023.

9 SULTON LAW OFFICES

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10  
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20 **IT IS SO ORDERED:**

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**UNITED STATES MAGISTRATE JUDGE**

23 **DATED:** January 6, 2023  
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